

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:08CR138
)	
v.)	
)	
KAREN MCDANIEL,)	PRELIMINARY ORDER
)	OF FORFEITURE
Defendant.)	
_____)	

This matter is before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 44). The Court has reviewed the record in this case and finds as follows:

1. Defendant has entered into a Plea Agreement, whereby she has agreed to plead guilty to Counts II and XVII of said Indictment. Count II charges the defendant with check fraud, in violation of 18 U.S.C. § 513(a). Count XVII of said Indictment sought the forfeiture, pursuant to 18 U.S.C. § 982(a)(1), of the following:

- a. 2008 Forest River Cherokee Fifth Wheel, serial no. 4X4FCKE218X106266
- b. 2007 Ford F350 CC 4x4, VIN 1FTWW33P17EA31001
- c. 1999 Bombardier Personal Water craft, VIN ZZN72818L899
- d. Yacht Club Trailer, VIN 4H1001319T0189014
- e. 2008 Dodge Caliber R/T AWD 4DR SDN, VIN 1B3HE78K08D523625
- f. 2000 Eliminator Off Shore boat, HIN ELBH0250I900
- g. Prestige Trailer, VIN 4JHBT3028YD001752

on the basis they were used or were intended to be used to facilitate said violation and/or were derived from proceeds obtained directly or indirectly as a result of the commission of said violation.

2. By virtue of said plea of guilty, the defendant forfeits her interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 982(a)(1).

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained. Accordingly,

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Count XVII of the Indictment and the defendant's plea of guilty, the United States is hereby authorized to seize the following-described property:

- a. 2008 Forest River Cherokee Fifth Wheel, serial no. 4X4FCKE218X106266
- b. 2007 Ford F350 CC 4x4, VIN 1FTWW33P17EA31001
- c. 1999 Bombardier Personal Water craft, VIN ZZN72818L899
- d. Yacht Club Trailer, VIN 4H1001319T0189014
- e. 2008 Dodge Caliber R/T AWD 4DR SDN, VIN 1B3HE78K08D523625
- f. 2000 Eliminator Off Shore boat, HIN ELBH0250I900
- g. Prestige Trailer, VIN 4JHBT3028YD001752

C. Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C., § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official government internet site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 25th day of November, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court